

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Kristi Caravella/954-797-2099

PREPARED BY: Kristi Caravella, Assistant Town Administrator

SUBJECT: Resolution

AFFECTED DISTRICT: Townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AGREEMENT AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2010 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY THIRD CENT "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

EXECUTIVE SUMMARY: In 1993 Broward County adopted a supplemental "Additional" Local Option Gasoline Tax Ordinance that collects gasoline taxes and originally distributed funds between Broward County and eligible municipalities at a ratio of 62.5% County and 37.5% municipal. In 1997, the Board of County Commissioners approved a policy providing for increases in the Cities share of the "additional" local option gas taxes to take into account the population shift resulting from annexation. In 2005, the distribution ratio was 51.31% to the County and 48.69% to the municipalities. The 2006 amendment set a distribution ratio of 49.51% to the County and 50.49% to the municipalities. Currently, the "additional" local option gas tax agreement provides for Cities to receive 51.27% of three cents of gas tax. The Cities' share of this gas tax has increased over the years due to annexations, however, there were no annexations effective September 30, 2009 so the Cities share of the three cents of gas tax will remain the same as last year. As a result this Amendment adjusts each City's percentage share of the 51.27% based on updated population figures.

PREVIOUS ACTIONS: Resolutions 2006-151, 2007-137, 2008-093, 2009-095

CONCURRENCES: Requires execution by the County.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: \$

Account name and number: 001-0108-312.30-08 – Mass Transit Gas Tax

If no, amount needed: \$

What account name and number will funds be appropriated from:

Additional Comments: Gas tax funds support roadway construction and maintenance operations within the Town.

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution, Exhibit A – Broward County/ Town of Davie Inter-local Agreement Amendment 2010

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2010 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY THIRD CENT "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 1, 1993, the Board of County Commissioners imposed an "additional" local option gas tax on motor fuel; and

WHEREAS, the distribution of these funds is adjusted annually to reflect population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the attached 2010 amended Interlocal Agreement to receive a distribution of these funds; and

WHEREAS, the Interlocal Agreement shall be effective September 1, 1993, through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The appropriate Town officials are hereby authorized to execute the Amendment to the Interlocal Agreement, attached hereto as Exhibit "A".

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2010.

MAYOR/COUNCILMEMB
ER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2010.

EXHIBIT A

2010 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

THE TOWN OF DAVIE

providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD
COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL
ORDINANCE

This 2010 Amendment to Interlocal Agreement made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

The TOWN OF DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "MUNICIPALITY."

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to the authorization of paragraph (1)(b)(2) of Section 336.025, Florida Statutes, the COUNTY and MUNICIPALITY agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as previously amended, is hereby amended to read as follows:
2. Forty-eight and Seventy-three One-hundredths percent (48.73%) of the total proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance shall be distributed to the COUNTY and the remaining Fifty-one and Twenty-seven One-hundredths percent (51.27%) of the total proceeds shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

Population of Individual Municipality x 51.27% =
Total Incorporated Area Population

Recipient	FY 2011 Percent Share of Proceeds
Coconut Creek	1.415103%
Cooper City	0.883595%
Coral Springs	3.765338%
Dania	0.840436%
Davie	2.695456%
Deerfield Beach	2.167353%
Fort Lauderdale	5.349288%
Hallandale	1.107122%
Hillsboro Beach	0.066190%
Hollywood	4.201793%
Lauderdale-by-the-Sea	0.175245%
Lauderdale Lakes	0.943185%
Lauderhill	1.894540%
Lazy Lake	0.001154%
Lighthouse Point	0.324292%
Margate	1.575043%
Miramar	3.331785%
North Lauderdale	1.222866%
Oakland Park	1.236069%
Parkland	0.700003%
Pembroke Park	0.180929%
Pembroke Pines	4.475642%
Plantation	2.508045%
Pompano Beach	2.931534%
Sea Ranch Lakes	0.021610%
Southwest Ranches	0.253691%
Sunrise	2.641758%
Tamarac	1.750999%
Weston	1.826366%
West Park	0.401850%
Wilton Manors	0.381720%
Total Incorporated	51.270000%

2. Paragraph 3 of the Interlocal Agreement, as previously amended, is hereby amended to read:

3. The population figures set out herein are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on an annual basis by the Bureau of Economics and Business Research, Population Division, University of Florida. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement, for the division and distribution of the proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance, shall be adjusted annually based on the current "Florida Estimates of Population."

For the purpose of this Agreement, the following population figures are hereby agreed upon:

Recipient	FY 2011 Population
Coconut Creek	47,804
Cooper City	29,849
Coral Springs	127,198
Dania	28,391
Davie	91,056
Deerfield Beach	73,216
Fort Lauderdale	180,706
Hallandale	37,400
Hillsboro Beach	2,236
Hollywood	141,942
Lauderdale-by-the-Sea	5,920
Lauderdale Lakes	31,862
Lauderhill	64,000
Lazy Lake	39
Lighthouse Point	10,955
Margate	53,207
Miramar	112,552
North Lauderdale	41,310
Oakland Park	41,756
Parkland	23,647
Pembroke Park	6,112
Pembroke Pines	151,193
Plantation	84,725
Pompano Beach	99,031

Sea Ranch Lakes	730
Recipient	FY 2011 Population
Southwest Ranches	8,570
Sunrise	89,242
Tamarac	59,151
Weston	61,697
West Park	13,575
Wilton Manors	12,895
Total Incorporated	1,731,967
Unincorporated Area	12,955
Total County	1,744,922

3. This 2010 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this Interlocal Agreement prior to June 1, 2010

4. In the event this 2010 Amendment to Interlocal Agreement or a portion of this 2010 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or MUNICIPALITY elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

5. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2010 Amendment and the Agreement and/or any prior Amendment to the Agreement, the parties hereby agree that this document shall control.

6. This 2010 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have made and executed this 2010 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY

COMMISSIONERS

County Administrator and Ex-Officio

By

Clerk of the Board of County
Commissioners of Broward County,
Florida

Mayor

____ day of _____, 2010.

Attorney

Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County

Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____

Al A. DiCalvo
Assistant County Attorney

2010 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD
COUNTY AND THE TOWN OF DAVIE PROVIDING FOR DIVISION AND
DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE

MUNICIPALITY

WITNESSES:

Town of Davie

By

Mayor Judy Paul

2010. ____ day of _____,

ATTEST:

By _____

Municipal Clerk

—

Municipal Manager

____ day of _____,

2010.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By

Municipal Attorney

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